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FRANCISCO and CITY OF SAN FRANCISCO UPTOWN
PARKING CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CRAIG YATES,

Plaintiff,

v.

UNION SQUARE; CITY AND COUNTY OF
SAN FRANCISCO, CITY OF SAN
FRANCISCO UPTOWN PARKING
CORPORATION; EMPORIO RULLI IL
CAFFE UNION SQ.; EMPORIO RULLI IL
CAFFE UNION SQ., INC.; and DOES 1
through 50, Inclusive,

Defendants.

CASE NO. C074087 JSW

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF MOTION FOR THE COURT
TO DECLINE SUPPLEMENTAL
JURISDICTION OVER AND TO DISMISS
PLAINTIFF'S STATE LAW CLAIMS [28
U.S.C. § 1367(c)] AND TO STRIKE
PLAINTIFF'S UNSUPPORTED AND
IMPROPER DAMAGE PRAYERS FROM
THE COMPLAINT [FRCP 12(f)]**

Accompanying Papers: Notice of Motion;
Memorandum of Points and Authorities;
(Proposed) Order

Date: January 18, 2008
Time: 9:00 a.m.
Dept: Crtrm. 17
Judge: The Hon. Jeffrey S. White

Complaint filed: August 9, 2007
Trial date: none set

Pursuant to Federal Rule of Evidence 201, Defendants City and County of San
Francisco ("CCSF") and City of San Francisco Uptown Parking Corporation ("Uptown")
(collectively, "Moving Parties") hereby submit the following Request for Judicial Notice in Support
of Motion for the Court to Decline Supplemental Jurisdiction Over and to Dismiss Plaintiff's State
Law Claims [28 U.S.C. § 1367(c)] and to Strike Plaintiff's Unsupported and Improper Damage

JMBM
Jeffer Mangels
Butler & Marmaro LLP

1 Prayers from the Complaint [FRCP 12(f)]:

2 1. Moving Parties hereby request the Court take judicial notice of the January
3 17, 2007, denial of the California Supreme Court of the petition for review of plaintiff/appellant
4 David Gunther of the decision of Gunther v. Lin, 144 Cal.App.4th 223 (4th Dist. 2006). Attached
5 hereto as **Exhibit A** is a true and correct copy of the online register of actions for this petition.

6 2. Moving Parties hereby request this Court take judicial notice of the decision
7 of the United States District Court for the Southern District of California in Cross v. Pacific Coast
8 Plaza Invest., No. 06CV2543 JM(RBB) (SD Cal. Mar. 6, 2007), a true and correct copy of which is
9 attached hereto as **Exhibit B**.

10 3. Moving Parties hereby request this Court take judicial notice of the March
11 22, 2007 decision of the United States District Court for the Eastern District of California in Wilson
12 v. Haria and Gogri Corp., 2007 WL 851744 (ED Cal. 2007), a true and correct copy of which is
13 attached hereto as **Exhibit C**.

14 4. Moving Parties hereby request this Court take judicial notice of the May 29,
15 2007 decision of the United States District Court for the Southern District of California in Cross v.
16 Boston Market Corp., 07CV486J(LSP), a true and correct copy of which is attached hereto as
17 **Exhibit D**.

18 5. Moving Parties hereby request this Court take judicial notice of the
19 November 16, 2007 decision of the United States District Court for the Southern District of
20 California in Oliver v. GMRI, Inc., 07CV1719IEG(WMC), a true and correct copy of which is
21 attached hereto as **Exhibit E**.

22 DATED: December 12, 2007

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24 By: /S/ Martin H. Orlick

25 MARTIN H. ORLICK
26 Attorneys for Defendant CITY AND COUNTY OF
27 SAN FRANCISCO AND CITY OF SAN
28 FRANCISCO UPTOWN PARKING CORPORATION

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